

Appl. No. 09/936,627
Atty Docket No. 1085-031/JRD
Amendment Dated Dec. 1, 2004
Reply to Office Action of June 1, 2004

REMARKS/ARGUMENTS

Claims 1-46 are in the application. Claims 8, 11, 12, 19, 37 and 39 have been amended herein, and new claims 39-46 have been added. Reconsideration is respectfully requested.

Drawings

The enclosed Annotated Marked-Up Drawing addresses the objections made in page 2 of the Detailed Action. Namely, the boxes 1-10 have been relabeled in Figure 1 to coincide with the way they are described in the specification and the counter disclosed in the specification is now shown in Figure 1. Examiner approval of these proposed redlined drawing amendments is respectfully requested. If the drawing is now acceptable, Applicants will submit formal replacement sheet upon allowance of the application.

Specification

Section headings have been added by this amendment as requested in pages 3 and 4 of the Detailed Action, and the noted typographical error has been corrected.

Also, applicants have submitted a new abstract in conformance with MPEP 608.01(b).

Claim Objections

Claims 8, 11 and 12 have been amended as noted to address the informalities noted by the examiner. Namely, the parenthetical information in claims 8 and 11 has been deleted. New dependent claims 39-42 now claim the limitations formerly described in the deleted parenthetical information.

Also, the misspelling of the word "program" in claim 12 has been corrected.

Allowable Subject Matter

Page 17 of the Detailed Action notes that claim 19 would be allowed if amended to place it into independent format that includes all of the limitations of the base claim and any intervening claims. Applicants have so amended claim 19. Accordingly, it should now be in condition for allowance.

Moreover, since new dependent claims 43-46 depend on now allowable claim 19, they too should be in condition for allowance.

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Claim Rejections Under 35 USC § 103

- A. There is no teaching or suggestion in any references of record for a reader being operable to establish the order in which multiple identification means are detected.

Applicants respectfully traverse the examiner's rejection of claims 1-18 and 20-38 as somehow being rendered obvious under 35 USC § 103 by U.S. Pat. No. 5,661,470 to Karr ("Karr") in view of U.S. Pat. No. 4,857,030 to Rose ("Rose"). Karr and Rose disclose fundamentally different structures than as currently claimed in the present application.

Independent claim 1 of the present application specifically requires a "reader being operable to establish the order in which the multiple identification means are detected" Independent claim 31 includes a similar limitation. However, neither Karr nor Rose, nor any other references of record, teach or suggest such a structure.

Referring firstly to column 2, lines 32 to 55 of Rose (which is mentioned by the Examiner), it can be seen from this passage that a doll may periodically initiate a signal to determine if one or more similar dolls are within its broadcast range. If any similar dolls are detected, the dolls then engage in a routine of simulated conversation. In the case where two dolls are present, a determination is made as to who will be the speaker who will be the responder, and if three or more dolls are present the third and each subsequent dolls will adopt a "listener" role.

It is, however, made clear in lines 52 to 55 of column 2 of Rose that the selection of who is a speaker and who is a responder is done in a random fashion, and clearly no determination is made by any of the dolls as to the order in which the other dolls are detected. Indeed, since an "initiating" doll sends out a first signal at random, and the role of all dolls that participate in the simulated conversation are selected at random, there is no feature of the simulated conversation that might depend upon the order in which dolls are detected, and hence there is no reason to attempt to determine such an order.

The Examiner further points to column 4, lines 9 to 57 of Rose. It is, however, respectfully submitted that this passage makes no disclosure that any of the dolls makes a determination as to the order in which other dolls are detected.

The Examiner argues (on page 6 of the Office Action) that one of ordinary skill in the art

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would recognize that the need to establish a selection of who is a speaker and who is a responder to engage in a simulated conversation (as disclosed in Rose) could be applied to the disclosure of Karr, because Karr suggests that it is desired to provide a base unit determining that a doll is located next to a toy spider, and in these circumstances the doll could make a screaming sound to generate a complex play pattern for dolls.

It is, however, respectfully submitted that, if a skilled person were to attempt to combine the disclosures of Karr and Rose in this respect, the skilled person would inevitably arise at a system like that disclosed in Karr, but in which the speaker and responder toys were determined in the same manner as that disclosed in Rose, i.e. simply by allocating these roles at random and not through determining the order in whom the toys are detected.

Thus, the result of result of a skilled person attempting to combine the disclosures of Karr and Rose would be a system which does not fall within the scope of present Claims 1 or 31, and it is therefore respectfully submitted that the present invention is not obvious with respect to these disclosures. Accordingly, claims 1 and 31, and dependent claims 2-18, 20-30, 32-36, and 39-42, which depend on either claim 1 or 31, should now be in condition for allowance.

- B. There is no teaching or suggestion in any references of record for a processing means being operable to vary the response and dependency based on the number of times a particular identification means has been interrogated.

Turning to Claim 37, this claim has been amended to recite that the processing means is operable to vary the response in dependency upon the number of times a particular identification means has been interrogated. Claim 38 has been amended in a corresponding fashion.

In the Office Action, the Examiner states that the subject matter of previously-filed Claims 3 and 4 is known from Karr, which discloses that the response of a reader is varying in dependency upon the number of times a particular identification means is being interrogated by the reader. The Examiner points in particular to column 4 line 28 to column 5 line 9 of Karr in this respect. Inspection of this passage reveals, however, that, while Karr discloses a counter which counts the number of times a signal is detected, this counter is simply used to ensure that the signal has been detected a certain number of times before providing a response. As disclosed in lines 47 to 59, this will help to eliminate false triggering, and will also ensure that the responder is in the area of the main sensing loop long enough to be taken seriously.

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It is, therefore, respectfully submitted that Karr does not disclose a counter which is incremented each time a particular identification means is interrogated by the reader, with the processing means *being operable to vary the response and dependency upon the number of times a particular identification means has been interrogated*, as required by Claim 37. Rather, the counter disclosed in Karr simply counts to a certain number before giving a response at all, with this response not being variable in dependence upon the number of times that a particular identification means has been interrogated.

Turning to the disclosure of Rose, in column 4 thereof, this document discloses that the dolls may have a certain number of phrases or conversations, and that a track is kept of which conversations or phrases have been used, to ensure that the same conversations or phrases are not immediately used again.

It is, however, respectfully submitted that the response is not varied in dependency upon the number of times a particular identification means has been interrogated (as required by Claim 37), but rather that the response is varied simply in dependency upon the number of times that any identification means has been interrogated.

As can be understood from the Application as filed, an advantage of the features of Claim 37 is that a particular toy may be presented to the reader, and each time the toy in question is presented the reader may provide a different item of educational information concerning the toy. This situation is neither contemplated or addressed in the disclosures of Karr and Rose, and it is respectfully submitted that it is not realistic to suggest that a skilled person would arrive at the features of Claim 37 in an obvious manner.

It is respectfully submitted that Claim 38 is also patentably distinct from the references of record for the same reasons as discussed above with regard to Claim 37.

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Conclusion

In view of the foregoing, applicants submit that all of the present claims are in condition for allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions, he is invited to contact applicant's attorney at the below-listed telephone number.

Respectfully submitted,

By


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